

House File 2456

H-8195

1 Amend House File 2456 as follows:

2 1. Page 2, after line 21 by inserting:

3 <Sec. _____. NEW SECTION. 321.296 Speed limit
4 enforcement in work zones — photo traffic enforcement.

5 The department of public safety, in cooperation with
6 the department of transportation, shall place photo
7 traffic enforcement devices in all road work zones on
8 primary highways to enforce violations of the posted
9 speed limits in the road work zones.

10 1. For purposes of this section, *"photo traffic*
11 *enforcement device"* means a device used primarily
12 for highway speed limit enforcement, substantially
13 consisting of a low-powered Doppler radar unit and
14 camera which automatically produces a photograph of a
15 vehicle, including the vehicle's registration plate,
16 traveling in excess of the legal speed limit, with the
17 vehicle's speed and the date, time of day, and location
18 of the violation printed on the photograph.

19 2. The department of transportation shall post
20 signs providing notice to motorists in every road work
21 zone where a photo traffic enforcement device is in
22 use.

23 3. If a peace officer of the department of public
24 safety determines from examination of the evidence
25 produced by a photo traffic enforcement device that
26 a speeding violation occurred in a road work zone,
27 the peace officer may initiate an investigation not
28 more than seven calendar days after the date of the
29 violation. The peace officer may request that the
30 owner of the vehicle supply information identifying
31 the driver of the vehicle in accordance with section
32 321.484, or in the case of a commercial motor vehicle,
33 the peace officer may request that the employer of the
34 driver provide information identifying the driver of
35 the vehicle.

36 a. If, from the investigation, the peace officer
37 is able to identify the driver of the vehicle and has
38 reasonable cause to believe a speeding violation has
39 occurred, the peace officer shall prepare a uniform
40 traffic citation for the violation and shall serve it
41 personally or by certified mail on the driver of the
42 vehicle.

43 b. If, from the investigation, the peace officer
44 has reasonable cause to believe that a speeding
45 violation occurred but is unable to identify the
46 driver, the peace officer shall serve a uniform traffic
47 citation for the violation on the owner of the motor
48 vehicle or, in the case of a commercial motor vehicle,
49 on the employer of the driver. Notwithstanding section
50 321.484, in a proceeding where the peace officer who

1 conducted the investigation was not able to identify
2 the driver of the motor vehicle, proof that the motor
3 vehicle captured on camera and described in the uniform
4 traffic citation was used to commit the speeding
5 violation in a road work zone, together with proof that
6 the defendant named in the citation was the owner of
7 the motor vehicle or, in the case of a commercial motor
8 vehicle, the employer of the driver, at the time the
9 violation occurred, constitutes a permissible inference
10 that the owner or employer was the person who committed
11 the violation.

12 c. For purposes of this subsection, "owner" means a
13 person who holds the legal title to a motor vehicle;
14 however, if the motor vehicle is the subject of a
15 security agreement with a right of possession in
16 the debtor, the debtor shall be deemed the owner for
17 purposes of this subsection, or if the motor vehicle is
18 leased as defined in section 321.493, the lessee shall
19 be deemed the owner for purposes of this subsection.

20 4. A photograph that meets the requirements of
21 subsection 1 shall be accepted as prima facie evidence
22 of the speeding violation in any legal proceeding where
23 the speed of the motor vehicle is at issue.>

24 2. Page 2, after line 34 by inserting:

25 <Sec. _____. Section 321.484, subsection 2, Code
26 2009, is amended to read as follows:

27 2. If a peace officer as defined in section 801.4
28 has reasonable cause to believe the driver of a motor
29 vehicle has violated section 321.261, 321.262, 321.264,
30 321.341, 321.342, 321.343, 321.344, or 321.372, or
31 has committed a violation recorded by a photo traffic
32 enforcement device under section 321.296, the officer
33 may request any owner of the motor vehicle to supply
34 information identifying the driver. When requested,
35 the owner of the vehicle shall identify the driver to
36 the best of the owner's ability. However, the owner of
37 the vehicle is not required to supply identification
38 information to the officer if the owner believes the
39 information is self-incriminating.>

40 3. Title page, line 1, after <Act> by inserting
41 <relating to traffic safety by>

42 4. Title page, line 2, by striking <vehicle> and
43 inserting <vehicle, providing for the use of photo
44 traffic enforcement in road work zones on primary
45 highways,>

46 5. By renumbering as necessary.

WINDSCHITL of Harrison